



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C., 20460

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

April 14, 2021

Mr. Logan Ping
6445 Rock Forest Dr Apt 107
Bethesda, MD 20817

RE: Request Number: EPA-2021-003388

Dear Mr. Ping,

This letter concerns the above referenced Freedom of Information Act (FOIA) request, received by the U.S. Environmental Protection Agency (USEPA) Freedom of Information Office, in which you are seeking: copies of specific public records relating to the Cimarron Environmental Response Trust Agreement(attached) to which the U.S. Environmental Protection Agency (USEPA) is a Beneficiary. Pursuant to Section 6.1 (Reports) of the Agreement, the Cimarron Trust is required to submit quarterly reports to Trust beneficiaries (including the USEPA). These reports include “financial statements of the Cimarron Trust at the end of such calendar quarter or period and the receipts and disbursements of the Cimarron Trust for such period. In addition the Trust is required to submit a description of any action to be taken by the Cimarron Trust, and prior to such action being taken, in the performance of its duties which, as determined by outside counsel, accountants or other professional advisors, materially and adversely affects the Cimarron Trust and of which notice has not previously been given to the Beneficiaries. You request copies of all financial statements and quarterly/annual reports provided by the Trust to the USEPA from the Trust’s inception in February 2011 to the present.

The EPA has completed its search for records pursuant to your request and is producing electronic records in full. We were unable to search and collect hardcopy records because of current circumstances. As you may know, on March 13, 2020, President Trump declared a nationwide emergency for COVID-19 pandemic pursuant to Sec. 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207. On March 15, 2020, then Administrator Wheeler extended a voluntary unscheduled telework/unscheduled leave policy to all agency employees. On March 17, 2020, the Office of Management and Budget (OMB) directed federal agencies to “adjust operation and services to minimize face-to-face interactions.” Specifically, the OMB guidance stated that “[n]on-mission-critical functions that cannot be performed remotely or that require in-person interactions may be postponed or significantly curtailed.” (Available at <https://www.whitehouse.gov/wp-content/uploads/2020/03/M-20-16.pdf>).

When the federal government buildings are opened again, if you are still interested in the information, we invite you to file another FOIA request seeking any responsive hardcopy records.

This letter concludes our response to your request. You may appeal this response by email at hq.foia@epa.gov, or by mail to the EPA's National FOIA Office, U.S. EPA, 1200 Pennsylvania Avenue, N.W. (2310A), Washington, DC 20460. If you are submitting your appeal by hand delivery, courier service, or overnight delivery, you must address your correspondence to 1200 Pennsylvania Avenue, N.W., WJC-N Building, Room 7309C, Washington, DC 20460.

Your appeal must be in writing, and it must be received no later than 90 calendar days from the date of this letter. The Agency will not consider appeals received after the 90-calendar-day limit. Appeals received after 5:00 pm EST will be considered received the next business day. The appeal letter should include the FOIA tracking number listed above. For quickest possible handling, the subject line of your email, the appeal letter, and its envelope, if applicable, should be marked "Freedom of Information Act Appeal."

Additionally, you may seek dispute resolution services from EPA's FOIA Public Liaison at hq.foia@epa.gov or (202) 566-1667, or from the Office of Government Information Services (OGIS). You may contact OGIS in any of the following ways: by mail, Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001; email: ogis@nara.gov; telephone: (202) 741-5770 or (877) 684-6448; or fax: (202) 741-5769. For all media inquiries, please contact press@epa.gov.

If you have any questions concerning this response, please contact Antoinette Powell-Dickson, of my staff at 202-564-5136.

Sincerely,

Kenneth W. Patterson
Director
Regional Support Division
Office of Site Remediation Enforcement